

REMARKS

The above-identified application is United States application serial number 10/706,673 filed on November 11, 2003. Claims 1-10 are pending in the application. Claims 11-26 are withdrawn from consideration. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-10 are also rejected under 35 U.S.C. 103(a) as being unpatentable over "Area Rule and Transonic Flight" from www.Aerospaceweb.org (hereinafter called the AR reference). Applicant respectfully traverses these rejections.

Rejection of Claims Under 35 USC 112

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has amended Claim 1 to clarify the claim as follows: "determining at least two vehicle configurations that minimize the second derivative along cross-sectional area distributions of the vehicle configurations, wherein at least one of the vehicle configurations is determined at a Mach number and a roll angle that is different than the other of the at least two vehicle configurations". Applicant has further amended Claims 2, 4, 5, 6, and 9 to use terminology that is consistent with Claim 1. Claim 3 has been canceled as Claim 1 now includes "smoothing the average of the weighted second derivative curves." Accordingly, withdrawal of the rejection of Claims 1, 2, and 4-10 under 35 U.S.C. 112 is respectfully requested.

Rejection of Claims Under 35 USC 103(a)

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

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Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143.

In rejecting Claim 1, the examiner took "official notice that averaging of configurations to determine a best configuration has been done in many instances throughout modern computer assisted engineering." And further that "[i]terative processes along with interpolation are well known to help the design process and allow one to come up with a design that will generally meet expectations at various design points and in this case flight regimes." Claim 1 recites:

"A method for designing a low drag vehicle comprising:
determining at least two vehicle configurations that minimize the second derivative along cross-sectional area distributions of the vehicle configurations, wherein at least one of the vehicle configurations is determined at a Mach number and a roll angle that is different than the other of the at least two vehicle configurations;
determining second derivative curves of the cross-sectional area distributions of the vehicle configurations;
applying weighting factors to the second derivative curves to form weighted second derivative curves;
determining the average of the weighted second derivative curves; and
smoothing the average of the weighted second derivative curves to form a smoothed average second derivative curve."

Applicant respectfully asserts that combining all of the processes in Claim 1 is not taught or suggested by the AR reference. Claims 2, 4-10, and 27 depend from Claim 1 and include features that further distinguish them from the cited reference. Allowance of Claims 1, 2, 4-10, and 27 is respectfully requested.

Election/Restrictions

Applicant acknowledges that the restriction (election) requirement has been made Final. Claims 11-26 have been cancelled.

New Claim

Claim 27 has been added to capture subject matter that originally disclosed at least in paragraph 45 of the specification. Examination of Claim 27 is requested.

CONCLUSION

In view of the remarks set forth herein, Applicant believes Claims 1, 2, 4-10 are in form for allowance and a notice to that effect is solicited. Claim 3 has been canceled. Examination of Claim 27 is requested. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the
USPTO, Central Number at (703) 872-9306 on the date shown below:

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February 28, 2005
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Respectfully submitted,

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